

The opinion in support of the decision being entered  
today was not written for publication  
and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte RICHARD M. ANDERSON

Appeal No. 2004-2157  
Application No. 09/139,298

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ORDER REMANDING APPEAL TO EXAMINER

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MAILED

SEP 27 2004

U.S. PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

This application was electronically received at the Board of Patent Appeals and Interferences (BPAI) on July 21, 2004. A docketing notice was mailed to appellant on August 31, 2004. However, a subsequent review of the application has revealed that the application is not ready for decision on appeal.

Accordingly, the application is herewith being electronically returned to the tech center. The matter requiring attention prior to a judicial panel assignment is identified below:

Appellant filed a Request for Oral Hearing on December 22, 2003. A Reply Brief was attached to the Request. The Request for Oral Hearing was processed and made of record to the file, however, the Reply Brief was mistakenly overlooked during the processing and the error has only now been discovered.

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Accordingly, it is

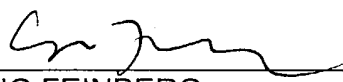
ORDERED that the application is electronically returned to the  
Examiner/Tech Center 1700 for:

- (a) the examiner to have the reply brief physically made of record to the file,
- (b) the examiner to respond to appellant's Reply Brief in accordance to  
37 CFR § 1.193(b)(1),
- (c) and for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By:

  
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CF/vsh

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Application No. 09/139,298

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